CHEMICAL AGENTS

Act 119 of 1967

AN ACT to regulate the sale, distribution, and use of certain chemical agents and devices containing certain chemical agents; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

History: 1967, Act 119, Eff. Nov. 2, 1967 ;-- Am. 1969, Act 206, Eff. Mar. 20, 1970 ;-- Am. 2000, Act 299, Eff. Jan. 1, 2001 ;-- Am. 2018, Act 137, Eff. Aug. 8, 2018

The People of the State of Michigan enact:

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752.271 Chemical agent, definition.

Sec. 1.

As used in this act, "chemical agent" means any substance containing a toxic chemical or organic solvent or both, having the property of releasing toxic vapors. The term includes, but is not limited to, glue, acetone, toluene, carbon tetrachloride, hydrocarbons and hydrocarbon derivatives.

History: 1967, Act 119, Eff. Nov. 2, 1967 ;-- Am. 1969, Act 206, Eff. Mar. 20, 1970

752.272 Inhalation or consumption of chemical agent prohibited; anesthesia inhalation excepted.

Sec. 2.

No person shall, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system, intentionally smell or inhale the fumes of any chemical agent or intentionally drink, eat or otherwise introduce any chemical agent into his respiratory or circulatory system. This shall not prohibit the inhalation of any anesthesia for medical or dental purposes.

History: 1967, Act 119, Eff. Nov. 2, 1967 ;-- Am. 1969, Act 206, Eff. Mar. 20, 1970

752.272a Sale or distribution of device containing nitrous oxide to person under age of 18; civil fine; sale or distribution of device containing or dispensing nitrous oxide; prohibition; exceptions; violation; penalty; definitions.

Sec. 2a.

(1) Except for a person described in subsection (3)(c) or (d) acting in the course of his or her duties, a person shall not sell or otherwise distribute a device that solely contains nitrous oxide to a person under the age of 18 for any purpose unless the person under the age of 18 is accepting delivery of a device containing nitrous oxide or a device used to dispense nitrous oxide in his or her capacity as an employee.

(2) A person who knowingly sells or distributes a device that solely contains nitrous oxide to a person who is under the age of 18 in violation of subsection (1), or who fails to make

diligent inquiry as to whether the person is a minor, is liable for a civil fine and may be ordered to pay not more than $500.00.

(3) A person shall not sell or otherwise distribute to another person any device that contains any quantity of nitrous oxide or sell or otherwise distribute a device to dispense nitrous oxide for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system. This subsection does not apply to nitrous oxide that has been denatured or otherwise rendered unfit for human consumption or to any of the following:

(a) A person licensed under chapter VII of the food law, 2000 PA 92, MCL 289.7101 to 289.7137, who sells or otherwise distributes the device as a grocery product.

(b) A person engaged in the business of selling or distributing catering supplies only or food processing equipment only, or selling or distributing compressed gases for industrial or medical use who sells or otherwise distributes the device in the course of that business.

(c) A pharmacist, pharmacist intern, or pharmacy as defined in section 17707 of the public health code, 1978 PA 368, MCL 333.17707, who dispenses the device in the course of his or her duties as a pharmacist or pharmacist intern or as a pharmacy.

(d) A health care professional.

(4) A person who violates subsection (3) is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

(b) If the person has 1 prior conviction, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $500.00, or both.

(c) If the person has 2 or more prior convictions, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both.

(5) As used in this section:

(a) "Diligent inquiry" means a diligent good-faith effort to determine the age of a person, which includes at least an examination of an official Michigan operator's or chauffeur's license, an official Michigan personal identification card, a military identification card, or any other bona fide picture identification that establishes the identity and age of the person.

(b) "Prior conviction" means a previous violation of this section or a law of another state, a law of a local unit of government of this state or another state, or a law of the United States substantially corresponding to this section.

History: Add. 2000, Act 299, Eff. Jan. 1, 2001 ;-- Am. 2018, Act 136, Eff. Aug. 8, 2018

752.272b Action to recover civil fine under MCL 752.272a.

Sec. 2b.

The attorney general or a prosecuting attorney for the county in which the violation occurred may bring an action to recover a civil fine under section 2a.

History: Add. 2018, Act 137, Eff. Aug. 8, 2018

752.273 Violation as misdemeanor; penalty.

Sec. 3.

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Except as provided in section 2a, a person who violates this act is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

History: 1967, Act 119, Eff. Nov. 2, 1967 ;-- Am. 2000, Act 299, Eff. Jan. 1, 2001

752.274 Repealed. 2000, Act 299, Eff. Jan. 1, 2001.

Compiler's Notes: The repealed section pertained to penalty for aiding or abetting violation of act.

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